IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 172 of 2005

Between:

S.Kashinath S/o.Rajaiah,
Patancheru (Under Suspension) Medak Dist.

..... PETITIONER

AND

1. The Commissioner Panchayat Raj &Rural Employment,

2. The Collector (p.Wing) Medak Dist Sanga Reddy .

3. The District Panchayath Officer Medak Dist Sanga Reddy .

4. The Revenue Divisional Officer Medak Dist Sanga Reddy .

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus calling for the records relating to the orders passed by the 2nd respondent vide Proc.No.2425/2004 A1-Pts, dt 20-12-2004 and the consequential orders passed by the AP Administrative Tribunal in OA No.7063/2004 dt 20-12-2004 and declare the same as illegal, arbitrary and further direct the respondents to continue the petitioner as Panchayat Secretary, Patancheru Gram Panchayat, Medak Dist and pass such other and further order or orders.

Counsel for the Petitioner: MR.P.RAGHAVENDRA REDDY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following:

ORDER: (Per Hon'ble Sri Justice G.Bikshapathy)

The writ petition is filed assailing the order dated 30.12.2004 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.No.7063 of 2004.

2. The petitioner was working as Panchayat Secretary, Gram Panchayat, Patancheru, Patancheru Mandal. An order of suspension was passed by the District Collector in proceedings No.2425/2004/A1-Pts., dated 20.12.2004. Against the said order, he filed an appeal before the Commissioner of Panchayat Raj and Rural Employment and also sought for interim direction to suspend the said orders. Since the suspension was not granted, he filed O.A.No.7063 of 2004. The Tribunal, by an order dated 30.12.2004 disposed of the O.A. with a direction that the appeal filed by the petitioner shall be disposed of by the Commissioner of Panchayat Raj within a period of two months. Against the said order, the present writ petition has been filed.

3. Learned counsel for the petitioner, however, vehemently submitted that the order of suspension is wholly illegal and unwarranted, inasmuch as the petitioner was not concerned with the protection of the Government land, as he is only responsible for safeguarding the property of the Gram Panchayat and it is the sole duty of the Revenue Inspector to report to the concerned authorities, if any such encroachments are taking place and therefore, prima facie no case was made out to suspend the petitioner from service. Thus, he submits that the Tribunal ought to have granted interim suspension of the order of suspension.

4. In view of the fact that the petitioner had already filed an appeal and the direction of the Tribunal is to dispose of the appeal within two months, we are not inclined to interfere with this matter. But, however, we find that granting two months for disposal of appeal against the order of suspension has to be reduced.

5. Accordingly, the writ petition is disposed of directing the Appellate Authority viz., Commissioner of Panchayat Raj to dispose of the appeal filed by the petitioner on 27.12.2004 within a period of three weeks from the date of receipt of a copy of this

order.

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G.BIKSHAPATHY,J.

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P.S.NARAYANA,J.

Date: 19th January 2005.

Bsb/Prv.

Note:

Issue CC in three days.

// B.O. //

Bsb/Prv.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner Panchayat Raj&Rural Employment,
Urdugally, Hyderabad.

2. The Collector (p.Wing) Medak Dist Sanga Reddy .

3. The District Panchayath Officer Medak Dist Sanga Reddy .

4. The Revenue Divisional Officer Medak Dist Sanga Reddy .

5. Two CCs to the Government Pleader for Panchyat Raj and

Rural Development.

6. Two CD copies